

Adopted	Rejected
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COMMITTEE REPORT

YES:	12
NO:	2

MR. SPEAKER:

*Your Committee on **Elections and Apportionment**, to which was referred House Bill 1589, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 3-5-2-4 IS AMENDED TO READ AS FOLLOWS
- 4 [EFFECTIVE JULY 1, 2001]: Sec. 4. "Ballot card" ~~means a card on~~
- 5 ~~which votes are recorded by the process of punching or marking; refers~~
- 6 **to either a punch card ballot or an optical scan ballot.**
- 7 SECTION 2. IC 3-5-2-4.5 IS ADDED TO THE INDIANA CODE
- 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 9 1, 2001]: **Sec. 4.5. "Ballot card voting system" refers to either a**
- 10 **punch card voting system or an optical scan voting system.**
- 11 SECTION 3. IC 3-5-2-33.8 IS ADDED TO THE INDIANA CODE
- 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 13 1, 2001]: **Sec. 33.8. "Optical scan ballot" means a card or another**
- 14 **paper on which votes are:**
- 15 **(1) recorded by marking the card or paper in ink or pencil;**
- 16 **and**

1 **(2) tabulated by an optical system that reads the marks on the**
 2 **card or paper.**

3 SECTION 4. IC 3-5-2-33.9 IS ADDED TO THE INDIANA CODE
 4 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 5 1, 2001]: **Sec. 33.9. "Optical scan voting system" means a voting**
 6 **system using optical scan ballots.**

7 SECTION 5. IC 3-5-2-41.5 IS ADDED TO THE INDIANA CODE
 8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 9 1, 2001]: **Sec. 41.5. "Punch card ballot" means a card on which**
 10 **votes are recorded by punching holes in the card.**

11 SECTION 6. IC 3-5-2-41.6 IS ADDED TO THE INDIANA CODE
 12 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 13 1, 2001]: **Sec. 41.6. "Punch card ballot system" means a voting**
 14 **system using punch card ballots.**

15 SECTION 7. IC 3-10-1-28.5, AS AMENDED BY P.L.176-1999,
 16 SECTION 58, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 17 JULY 1, 2001]: Sec. 28.5. (a) If a ballot card voting system is used in
 18 a precinct, after a voter has marked a ballot card the voter shall place
 19 it inside the envelope provided for this purpose and return it to the
 20 judge.

21 (b) The judge shall remove the stub from the ballot card. This
 22 subsection does not apply to an optical scan ~~ballot card~~ voting system.

23 (c) The judge shall then offer to return the envelope with the ballot
 24 card inside to the voter. The voter shall:

25 (1) accept the envelope and deposit it with the ballot card inside
 26 into the ballot box; or

27 (2) decline the envelope and require the judge to deposit it in the
 28 ballot box.

29 (d) The voter then shall leave the polls."

30 Page 1, delete lines 10 through 11, begin a new paragraph and
 31 insert:

32 **"(b) The fund consists of the following:**

33 **(1) Money appropriated to the fund by the general assembly,**
 34 **including any money appropriated from the build Indiana**
 35 **fund.**

36 **(2) All money allocated to the state by the federal government**
 37 **for improvement of voting systems.**

38 **(3) Proceeds of bonds issued by the Indiana bond bank for**

1 **improvement of voting systems as authorized by law.**
 2 **The auditor of state shall establish an account within the fund for**
 3 **money appropriated by the general assembly and a separate**
 4 **account within the fund for any money received by the state from**
 5 **the federal government."**

6 Page 2, line 7, delete "." and insert "**not later than December 31,**
 7 **2003."**

8 Page 2, line 22, after "5." insert "**(a)**".

9 Page 2, line 23, after "shall" insert "**, subject to subsections (b) and**
 10 **(c),"**

11 Page 2, line 24, delete "twenty-five percent (25%)" and insert "**fifty**
 12 **percent (50%)"**

13 Page 2, between lines 26 and 27, begin a new paragraph and insert:
 14 **"(b) Subject to requirements of federal law under which money**
 15 **is allocated to the state, the division shall pay an additional**
 16 **reimbursement to a county that is eligible for reimbursement**
 17 **under this chapter from the federal money an amount determined**
 18 **under STEP FIVE of the following formula:**

19 **STEP ONE: Determine the amount of federal money received**
 20 **by the state.**

21 **STEP TWO: Determine the number of precincts in the county**
 22 **on July 1, 2001.**

23 **STEP THREE: Determine the total number, as of July 1,**
 24 **2001, of precincts in all counties that are eligible for**
 25 **reimbursement under this chapter.**

26 **STEP FOUR: Divide the number determined in STEP TWO**
 27 **by the number determined in STEP THREE.**

28 **STEP FIVE: Multiply the number determined in STEP FOUR**
 29 **by the number determined in STEP ONE.**

30 **(c) It is the intent of the general assembly that a county that is**
 31 **eligible for reimbursement under this chapter be reimbursed from**
 32 **federal money received by the state to the maximum extent**
 33 **permitted by federal law. Notwithstanding subsection (b), if federal**
 34 **money remains in the fund after the formula in subsection (b) is**
 35 **applied, the remaining federal money shall be distributed to any**
 36 **counties that have not received the maximum amount of federal**
 37 **money permitted by federal law. Money distributed under this**
 38 **subsection shall be distributed based on the ratio that the number**

1 of precincts in the county to be reimbursed under this subsection
 2 bears to the total number of precincts in all counties to be
 3 reimbursed under this subsection, to the extent permitted by
 4 federal law.

5 (d) If federal money remains in the fund after subsection (c) is
 6 applied, the remaining federal money reverts to the fund from
 7 which state money was appropriated, to the extent permitted by
 8 federal law."

9 Page 2, after line 32, begin a new paragraph and insert:

10 "SECTION 9. IC 3-11-7-1 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 1. (a) The commission
 12 must approve a ballot card voting system before it may be used in an
 13 election.

14 (b) After June 30, 2001, the commission may not approve a
 15 punch card voting system for use in an election.

16 (c) After December 31, 2003, a punch card voting system may
 17 not be used in an election.

18 SECTION 10. IC 3-11-13-6, AS AMENDED BY P.L.176-1999,
 19 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2001]: Sec. 6. (a) Before an election at which a ballot card
 21 voting system is used, a county election board shall:

- 22 (1) have the marking devices prepared for the election;
- 23 (2) have the marking devices put in order, set and adjusted, and
- 24 made ready for voting when delivered to the precincts; and
- 25 (3) provide the precinct election officers with marking devices, a
- 26 demonstration marking device (except in precincts using optical
- 27 scan ~~ballot cards~~, **ballots**), ballot cards, ballot boxes, ballot
- 28 labels, and other records and supplies as required.

29 (b) While acting under subsection (a), the county election board
 30 may restrict access to parts of the room where marking devices and
 31 other election material are being handled to safeguard this material.

32 (c) Each county election board shall have each ballot card voting
 33 system, along with all necessary furniture and appliances that go with
 34 the system at the polls, delivered to the appropriate precinct not later
 35 than 6 p.m. of the day before election day. The county executive shall
 36 provide transportation for the systems if requested to do so by the
 37 county election board.

38 SECTION 11. IC 3-11-13-18, AS AMENDED BY P.L.176-1999,

SECTION 80, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 18. (a) This subsection does not apply to an optical scan ~~ballot card~~ voting system. Each ballot card provided under section 17 of this chapter must have two (2) attached perforated stubs on which is printed the same serial number. The top stub shall be bound or stapled in the package of ballot cards retained by the precinct election officers. The following information must be printed on the second stub:

- (1) The name of the political subdivision holding the election.
- (2) The designation of the election.
- (3) The date of the election.
- (4) The instructions to the voters.
- (5) In a primary election, the name of the political party.

(b) The county election board in a county using a ballot card voting system shall provide ballot cards to the precinct election board that permit voters to cast write-in votes for each officer to be voted for at that election.

(c) The ballot cards provided under subsection (b) must be:

- (1) designed to be folded; or
- (2) accompanied by a secrecy envelope;

to ensure the secrecy of each of the votes cast by a voter.

(d) A write-in vote shall be cast by printing the name of the candidate and the title of the office in the space provided for write-in votes on a ballot card or secrecy envelope.

SECTION 12. IC 3-11-13-20, AS AMENDED BY P.L.26-2000, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 20. (a) This section does not apply to an optical scan ~~ballot card~~ voting system.

(b) Each county election board shall maintain a record of the serial numbers of all of the ballot cards provided to a precinct and shall note in this record the precinct to which each ballot card relates.

SECTION 13. IC 3-11-13-28.5, AS AMENDED BY P.L.176-1999, SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 28.5. (a) Unless challenged, a voter may proceed to vote.

(b) This subsection does not apply to an optical scan ~~ballot card~~ voting system. After a voter has signed the poll list, the poll clerk holding the ballot card shall remove the top stub, as described in

1 section 18 of this chapter, and deliver to the voter one (1) of each ballot
 2 card that the voter is entitled to vote at the election. The top stub (and
 3 any second stub declined by the voter under section 33 of this chapter)
 4 shall be retained by the precinct election board and returned to the
 5 election board following the close of the polls.

6 (c) As each successive voter calls for a ballot, the poll clerks shall
 7 deliver to the voter the first initialed ballot of each type. The inspector
 8 shall then deliver to the poll clerks another ballot of each type, which
 9 the clerks shall initial as before.

10 SECTION 14. IC 3-11-13-33, AS AMENDED BY P.L.176-1999,
 11 SECTION 90, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 12 JULY 1, 2001]: Sec. 33. (a) After a voter has marked a ballot card, the
 13 voter shall place it inside the envelope provided for this purpose or fold
 14 the envelope described in section 18(c)(1) of this chapter and return the
 15 ballot card to the judge.

16 (b) This subsection does not apply to an optical scan ballot ~~card~~ or
 17 to a ballot card with a fold-over envelope. The judge shall remove the
 18 second stub, as described in section 18 of this chapter, from the
 19 envelope and offer the second stub to the voter.

20 (c) The judge shall offer to return the envelope with the ballot card
 21 inside to the voter. The voter shall:

- 22 (1) accept the envelope and deposit it in the ballot box; or
- 23 (2) decline the envelope and require the judge to deposit it in the
- 24 ballot box.

25 (d) If a voter offers to vote a ballot card that is not inside the
 26 envelope provided for this purpose or with the envelope not folded if
 27 the ballot is described in section 18(c)(1) of this chapter, the precinct
 28 election board shall direct the voter to return to the booth and place the
 29 ballot card in the envelope provided for this purpose or fold the
 30 envelope.

31 (e) After a voter's ballot cards have been deposited in the ballot box,
 32 the poll clerks shall make a voting mark after the voter's name on the
 33 poll list.

34 (f) After voting, a voter shall leave the polls. However, a voter to
 35 whom ballot cards and a marking device have been delivered may not
 36 leave the polls without voting the ballot cards or returning them to the
 37 poll clerk from whom the voter received them.

38 SECTION 15. IC 3-11-13-35, AS AMENDED BY P.L.176-1999,

1 SECTION 91, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
2 JULY 1, 2001]: Sec. 35. (a) If a voter spoils or defaces a ballot card or
3 marks it erroneously, the voter shall return the card so as not to disclose
4 any choices that the voter has made.
5 (b) This subsection does not apply to an optical scan ballot. ~~card~~. A
6 voter returning a ballot must comply with subsection (a) by folding the
7 stub on the ballot card.
8 (c) After complying with subsection (b), the voter then may receive
9 another ballot card. Upon receipt of a defective ballot card, the precinct
10 election board shall:
11 (1) immediately cancel the defective card by writing on the back
12 of the card and stub the word "VOID" in ink or in indelible pencil;
13 and
14 (2) without detaching any stub attached to the card, place the card
15 in the container for voided ballots in a manner that does not
16 expose the choices of the voter."
17 Renumber all SECTIONS consecutively.
(Reference is to HB 1589 as introduced.)

and when so amended that said bill do pass.

Representative Kromkowski